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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,795	09/13/2000	Ralph Stankowski	MCA-470	7343

7590

07/03/2002

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EXAMINER

POPOVICS, ROBERT J

ART UNIT

PAPER NUMBER

1724

/3

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/660,795

Applicant(s)

Stankowski et al.

Examiner

Popovics

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 6/14/02

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-21 is/are pending in the application.

Of the above claim(s) 1-4 AND 10-21 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 5-9 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2+3

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Election/Restriction*

1. Applicant's election *without traverse* Paper No. 10 is acknowledged. Applicants have identified "*Claims 5-8 of elected claims 5-11 [as] read[ing] upon the elected Slurry Species and claims 5-11 of elected claims 5-11 [as] read[ing] upon the elected Flowpath/Cartridge Species.*" It is noted that claims 5-6 are generic with respect to the elected slurry species. Accordingly, claims 5-8 corresponding to the elected Slurry Species (i.e., "sub species") shall be examined.

### *Claim Rejections - 35 USC § 112*

2. Claims 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "*said cartridge being free of an open void volume upstream of said depth filter*" appears in claim 5. Applicants are referred to Figure 1 of their invention. It is submitted that the volume through which arrows 31 pass, constitutes "*an open void volume upstream of said depth filter.*" Accordingly, it is unclear what Applicants intend by the recitation in question. Moreover, it is unclear what Applicants intend by the recitations "*filtration cartridge,*" "*ceria-based slurry,*" "*slurry*" and "*depth filter*" in the context used. It is unclear what minimal components make up the specified "*filtration cartridge.*" Does the "*conduit*" constitute a part of

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the “*filtration cartridge?*” It is unclear what Applicants intend by the recitation “*recovering a filtered slurry from said cartridge,*” or how this is accomplished. To that end, it is unclear which specific manipulative steps Applicants regard as their invention. Will the material recovered be a “*slurry*” at the point/time of recovery? The nature of the separation is unclear.

3. Claims 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the passing of fluid (a slurry) through an inlet and (a filtrate or slurry through?) an outlet.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Price (US 3,266,628).

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Referring to Fig. 1, the unlabeled downward conduit next to the inlet is seen to constitute the claimed "conduit."

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7- 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Price (US 3,266,628) and Megesi (US 3,043,432).

Price discloses a filter to filter fluids and gases as broadly disclosed. Claim 7 differs from Price by specifying the filtration of a photoresist chemical. Megesi, in a similar apparatus, discloses the use of a filter to purify spent photographic solutions. In view of this disclosure, it would have been obvious to one of ordinary skill in the art to employ the filter of Price, to purify a spent photographic solution, such as photoresist, in order purify it.

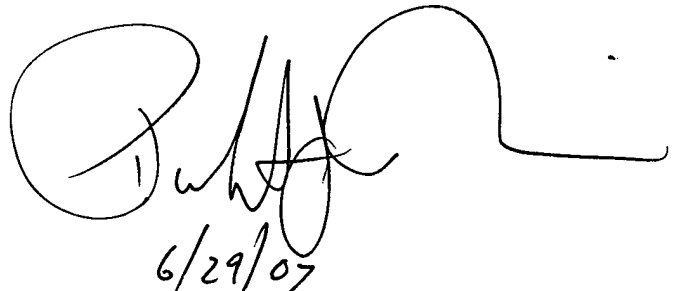
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***Allowable Subject Matter***

9. The purification of a "*ceria-based slurry*" would be allowable if that specific slurry was incorporated into claim 5, and if the claim was re-written to overcome the numerous 112 rejections set forth above. Applicants are encouraged to amend claim 5 to clearly specify each manipulative step, and requested that each step appear as a separate indentation. Applicants are **required** to submit a "*clean copy*" of all elected claims with any response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Popovics whose telephone number is (703) 308-0684. The examiner can normally be reached on M-F from Noon until Six (EST).

RJP



6/29/02

**ROBERT J. POPOVICS  
PRIMARY EXAMINER**